

May 12, 2015

A regular meeting of the Council of the Town of Bedford, Virginia, was held in the Council Hall of the Municipal Building at 7:00 p.m., May 12, 2015.

Members present: Mayor Robert T Wandrei; Councilman Tim Black; Councilman Robert D. Carson; Councilman Stacey L. Hailey; Vice Mayor Steve C. Rush; Councilman Beckham A. Stanley

Members absent: Councilman James A. Vest

Staff present: Town Manager Charles P. Kolakowski; Town Attorney W. W. Berry, IV; and Clerk of the Council Teresa W. Hatcher

Mayor Wandrei opened the meeting and led all present in saying the Pledge of Allegiance to the Flag.

Mayor Wandrei declared that the minutes of an adjourned Council meeting held on April 20, 2015, and the minutes of a regular Council meeting held on April 28, 2015, were approved as distributed.

Town Manager Kolakowski reported on the following:

- The paving project is going on and will continue this week. The paving will be leading to some significant improvements to the roads.
- Congratulated the people who put together the Farmer's Market and the Community Market – it was a very successful startup to that process.
- There is a late addition to the agenda, which is the closing of Court Street to help facilitate the ongoing work at the Bedford County Court House.

Mayor Wandrei presented Mr. Jim Clayton with a gift upon his retirement from Town service.

Councilman Stanley, Chairman of the Property Committee, reported the committee met earlier in the evening to discuss the preliminary measures for the renovation of Greenwood Park.

Mayor Wandrei said that three items will be added to the agenda.

The Town Manager read aloud the following Public Hearing Notice:

### **NOTICE OF PUBLIC HEARING**

On Tuesday, the 12<sup>th</sup> day of May, 2015, the Council of the Town of Bedford, Virginia, will conduct a public hearing on the proposed issuance of electric system revenue bonds or notes of the Town in the estimated maximum principal amount of \$675,000. The revenue bonds or

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notes are proposed to be issued to finance capital costs of improvements to the Town's electric system, including without limitation upgrading approximately 6 linear miles of the Centerville circuit I distribution line to increase capacity and correct low voltage concerns through equipment and pole replacement, and to pay the related financing costs.

The public hearing will be conducted at 7:00 p.m. in Town Council Chambers, Municipal Building, 215 East Main Street, Bedford, Virginia. Interested persons may appear at such time and place and present their views.

Clerk of the Council  
Town of Bedford, Virginia

Mayor Wandrei opened the Public Hearing at 7:05 p.m. As there were no comments, the Mayor closed the public hearing at 7:05 p.m.

Under the "Citizen Comments" section of the agenda, the following individual spoke:

- Jim Messier, Bedford Main Street, thanked Council for having the citizen comments section on the agenda. Mr. Messier gave a report on the activities of the new Board. Over the next several months and beyond, members of the Main Street Board and committee chairs will submit Main Street's Strategic Plan, Goals, and Accomplishments to Council.

Town Manager Kolakowski reported it is determined to be necessary and expedient for the Town to finance capital costs of making improvements to its municipal electric system, including without limitation by upgrading approximately 6 linear miles of the Centerville Circuit 1 distribution line to increase capacity and correct low voltage concerns through equipment and pole replacement, and to pay the related financing costs. This financing is made as an advance from American Municipal Power, Inc. (AMP) bank line of credit in the amount of \$675,000 pursuant to the Virginia Public Finance Act of 1991. The Ordinance was drafted by Christopher Kulp of Hunton & Williams, who serves as the Town's Bond Counsel. The Ordinance has been posted in three locations in the Town, in accordance with §2-54 of the Town Code. The Town Manager said that Council was requested to adopt the Ordinance to finance the Centerville Circuit 1 Project.

On motion by Vice Mayor Rush, seconded by Councilman Carson, voted upon and carried by a roll call vote, Council adopted the ordinance financing the Centerville Circuit 1 Project. Roll call vote follows:

Councilman Black	aye
Councilman Carson	aye
Councilman Hailey	aye
Vice Mayor Rush	aye
Councilman Stanley	aye

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Councilman Vest  
Mayor Wandrei

absent  
aye

The ordinance follows as adopted:

**ORDINANCE NO 15-12**

**ORDINANCE AUTHORIZING THE TOWN MANAGER TO  
ENTER INTO A LOAN AGREEMENT FOR THE BENEFIT  
OF ELECTRIC SYSTEM AND IN CONNECTION  
THEREWITH TO ISSUE A REVENUE NOTE IN A  
PRINCIPAL AMOUNT NOT TO EXCEED \$675,000**

**WHEREAS**, the Town of Bedford, Virginia (the “Town”), desires to undertake various capital improvements to its electric system (the “System”), including without limitation, upgrading approximately 6 linear miles of the Centerville circuit 1 distribution line to increase capacity and correct low voltage concerns through equipment and pole replacement (collectively, the “Project”);

**WHEREAS**, the Town desires to finance the costs of the Project by entering into a loan agreement (the “Loan Agreement”) with American Municipal Power, Inc. (“AMP”), and evidencing the Town’s repayment obligations through the issuance of an electric system revenue note (the “Note”);

**WHEREAS**, the Town Council desires to authorize the officers of the Town to issue the Note, execute the Loan Agreement and undertake such other actions as may be necessary to effectuate the loan from AMP;

**BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF BEDFORD,  
VIRGINIA:**

1. It is determined to be necessary and expedient for the Town to finance the Project, to borrow money for such purpose and to incur indebtedness secured by a subordinate pledge of System revenues.
2. Pursuant to the Public Finance Act of 1991 and the Town Charter, the Town Manager is authorized to obtain a loan from AMP in a principal amount not to exceed \$675,000, and to use the proceeds thereof to pay costs of the Project. Such loan shall be repaid in full no later than June 30, 2019, and shall bear interest at a variable rate pursuant to the terms set forth in the Loan Agreement up to a maximum rate equal to 8.0% per year.
3. The forms of the Loan Agreement and the Note (attached as an exhibit to the Loan Agreement) presented to this meeting, which evidence such loan and the terms of the Town’s repayment obligation, are hereby approved. The Mayor and the Vice-Mayor of the Town, either of whom may act, are authorized to execute the Loan Agreement and the Note in substantially such forms, with such completions, omissions, insertions and

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changes not inconsistent with this Ordinance as such officer, in consultation with the Town Attorney, may approve. The approval by the Mayor or Vice-Mayor of the final forms of the Loan Agreement and the Note shall be evidenced conclusively by the execution and delivery thereof to AMP, and no further action is required by the Town Council. The Clerk of the Council is authorized to affix the seal of the Town, if required, on the Loan Agreement and the Note and to attest to the same.

4. The Town's repayment obligation under the Loan Agreement as evidenced by the Note shall be a limited obligation of the Town, payable solely from net revenues of the System, and nothing in the Loan Agreement, the Note or in this Ordinance shall be deemed to create or constitute an indebtedness or pledge of the Commonwealth of Virginia or any political subdivision thereof, including the Town. The Town's repayment obligation shall constitute a junior lien pledge of such net revenues, subordinate to the pledge of net revenues securing any "Parity Obligations" issued pursuant to the Agreement of Trust dated as of August 1, 2005, as supplemented, by and between the Town and First Citizens Bank & Trust Company, as trustee.

5. All other actions of officers of the Town in conformity with the purposes and intent of this Ordinance and in furtherance of the loan from AMP are approved and confirmed. The officers of the Town are authorized and directed to execute and deliver all certificates and instruments and to take all such further action as may be considered necessary or desirable in connection with the execution and delivery of the Loan Agreement and the Note and the incurrence of the loan from AMP.

6. The Clerk of the Council, in collaboration with the Town Attorney, is authorized and directed to see to the immediate filing of a certified copy of this ordinance in the Circuit Court of Bedford County, Virginia.

7. This ordinance shall take effect immediately.

Town Manager Kolakowski said that Council had received a draft ordinance which readopts and reenacts §34-2 of the Town Code, incorporating by reference current provisions of the Code of Virginia dealing with traffic laws and motor vehicle operation. Failure to adopt this ordinance would mean that offenders would have to be charged under the State law rather than the Town law. Any fines collected would then be payable to the State rather than to the Town. The ordinance has been posted in three locations in the Town, in accordance with §2-54 of the Town Code. Town Council was requested to adopt the ordinance, readopting and reenacting code provisions dealing with traffic laws.

On motion by Vice Mayor Rush, seconded by Councilman Hailey, voted upon and carried by a roll call vote, Council adopted the ordinance readopting and reenacting code provisions dealing with traffic laws. Roll call vote follows:

Councilman Carson	aye
Councilman Hailey	aye
Vice Mayor Rush	aye
Councilman Stanley	aye
Councilman Vest	absent

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Councilman Black  
Mayor Wandrei

aye  
aye

The Ordinance follows as adopted:

**ORDINANCE NO. 15-13**

**AN ORDINANCE TO READOPT AND REENACT SECTION 34-2 OF THE  
TOWN CODE INCORPORATING BY REFERENCE CURRENT PROVISIONS  
OF THE CODE OF VIRGINIA DEALING WITH TRAFFIC LAWS AND  
MOTOR VEHICLE OPERATION**

**BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF BEDFORD,  
VIRGINIA:**

Section 1. Sec. 34-2 of the Town Code is hereby readopted and re-enacted as follows:

Pursuant to the authority of Section 46.2-1313 of the Code of Virginia, the provisions and requirements of the laws of the Commonwealth of Virginia contained in Title 46.2 in Article 9 (Sec. 16.1-278 et seq) of Chapter 11 of Title 16.1, and in Article 2 (Sec. 18.2-266 et seq) of Chapter 7 of Title 18.2, of the Code of Virginia, except those provisions and requirements the violation of which constitute a felony, and except those provisions and requirements which by their very nature can have no application to or within the Town, are hereby adopted and incorporated herein by reference and made applicable within the Town. References to "Highways of the State" contained in such provisions and requirements hereby adopted, shall be deemed to refer to streets, highways and other public ways within the Town. Such provisions and requirements are hereby adopted, mutatis mutandis, and made a part of this Chapter as fully as those set forth at length herein, and it shall be unlawful for any person, within the Town, to violate or fail, neglect or refuse to comply with any provision of Title 46.2 or of Article 9 of Chapter 11 of Title 16.1 or of Article 2 of Chapter 7 of Title 18.2 of the Code of Virginia, which are adopted by this Section; provided, that in no event shall the penalty imposed for the violation of any provision or requirement hereby adopted exceed the penalty imposed for a similar offense under such titles of the Code of Virginia.

Section 2. This Ordinance shall become effective on July 1, 2015, upon publication one time, immediately following its passage, in some newspaper published in the Town or upon posting at three or more public places in the Town for one week, as required by Section 19 of the Town Charter.

The Town Manager read aloud the following proposed resolution:

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**BUSINESS APPRECIATION MONTH 2015**

**WHEREAS**, Governor Terence R. McAuliffe has recognized the month of May 2015, as **BUSINESS APPRECIATION MONTH** in the **COMMONWEALTH OF VIRGINIA**, and called this observance to the attention of all citizens; and,

**WHEREAS**, the Town of Bedford encourages all of its businesses and supports entrepreneurship to create a vibrant, sustaining small business community; and

**WHEREAS**, the citizens of the Town of Bedford benefit from the positive business climate, economic growth, and job opportunities that are the contributions of businesses; and

**WHEREAS**, Bedford has joined the Commonwealth in creating long-term economic revitalization by embracing diversity in its business community, fully integrating technology into business practices, and preserving the economic well-being and safety for its citizens; and

**WHEREAS**, businesses in the Town of Bedford play a significant role in moving Bedford forward by positively impacting our healthy economy; and

**WHEREAS**, Business Appreciation Month increases public awareness of the valuable contributions that businesses make in our community.

**NOW, THEREFORE**, the Town Council of the Town of Bedford does hereby recognize the month of May 2015, as **BUSINESS APPRECIATION MONTH** in the Town of Bedford, and call this observance to the attention of all our citizens.

On motion by Councilman Hailey, seconded by Councilman Black, voted upon and carried by a roll call vote, Council adopted the resolution in support of Business Appreciation Month. Roll call follows:

Councilman Hailey	aye
Vice Mayor Rush	aye
Councilman Stanley	aye
Councilman Vest	absent
Councilman Black	aye
Councilman Carson	aye
Mayor Wandrei	aye

The Town Manager said that Mr. Mike Schneider, Project Manager with Jamerson-Lewis Construction, is requesting permission to temporarily close part of Court Street on May 20 through May 22 in order complete repairs to the Bedford County Court House. This request is being made because they would like to set a crane on Court Street to remove the precast stone around the Bell Tower. The crane would be set up between Main Street and the entrance to the Court House. Removing the stone will take about three days, and

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once the stone is removed, the crane would be taken down and the road reopened. In early July, they would need to close the road again to reinstall the precast stone after the refurbishing of the Bell Tower is complete. The reinstallation should only take three days. Mr. Kolakowski stated that Council was requested to approve a temporary closure of part of Court Street on May 20 through May 22 in order to complete repairs to the Bedford County Court House.

On motion by Councilman Black, seconded by Councilman Hailey, voted upon and carried by a roll call vote, Council approved the temporary closure of part of Court Street as requested. Roll call vote follows:

Vice Mayor Rush	aye
Councilman Stanley	aye
Councilman Vest	absent
Councilman Black	aye
Councilman Carson	aye
Councilman Hailey	aye
Mayor Wandrei	aye

Vice Mayor Rush moved that Council adjourn into closed session pursuant to Section 2.2-3711(a)(3) of the Code of Virginia of 1950, as amended for the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position; and pursuant to Section 2.2-3711(a)(1) of the Code of Virginia of 1950, as amended, to discuss personnel matters. Councilman Hailey seconded the motion. The motion was voted upon and carried by the following roll call vote:

Councilman Stanley	aye
Councilman Vest	absent
Councilman Black	aye
Councilman Carson	aye
Councilman Hailey	aye
Vice Mayor Rush	aye
Mayor Wandrei	aye

Council adjourned into closed session at 7:16 p.m. The following non-council members attended: Town Manager Kolakowski and Town Attorney W. W. Berry, IV.

Council reconvened into open session at 7:35 p.m.

The Clerk of Council read aloud the following resolution:

**BE IT RESOLVED** that the Council of the Town of Bedford hereby certifies that (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Council.

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On motion by Vice Mayor Rush, seconded by Councilman Black, voted upon and carried by a roll call vote, Council adopted the resolution. Roll call vote follows:

Councilman Vest	absent
Councilman Black	aye
Councilman Carson	aye
Councilman Hailey	aye
Vice Mayor Rush	aye
Councilman Stanley	aye
Mayor Wandrei	aye

Mayor Wandrei adjourned the meeting at 7:36 p.m.